

Message Text

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ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 EB-08 COME-00 TRSE-00 AID-05
IGA-02 FTC-01 JUSE-00 IO-13 SSO-00 NSCE-00 USIE-00
INRE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 NSAE-00
NSC-05 PA-01 PRS-01 SP-02 SS-15 /075 R

DRAFTED BY L/EB:SEBENSON
APPROVED BY L/EB:SEBENSON
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ARA/AND/V:TSONANDRES
EB/IFD/OIA RKAUZLARICH
-----230437Z 085256 /61
O 222330Z APR 77
FM SECSTATE WASHDC
TO AMEMBASSY CARACAS IMMEDIATE

C O N F I D E N T I A L STATE 091601

E.O. 11652: GDS

TAGS: EINV, ECOSOC, EGEN, UN

SUBJECT: ILLICIT PAYMENTS

REF: (A) STATE 59669 (B) STATE 17954 (C) CARACAS 3028
(D) CARACAS 3148

1. IN SEPTEL, USG HAS INDICATED WILLINGNESS TO SIGN
BILATERAL ILLICIT PAYMENTS AGREEMENT WITH GOV ON BOEING
MATTER, IN ACCORDANCE WITH TERMS REQUESTED BY GOV.
2. DEPARTMENT BELIEVES THIS IS PROPITIOUS OCCASION TO
SEEK CHANGE IN CURRENT GOV POSITION OPPOSING MULTILATERAL
AGREEMENT ON ILLICIT PAYMENTS WHICH IS BEING PROMOTED BY
US. AS YOU KNOW, GOV HAS SUPPORTED MEXICO IN INSISTING
THAT ILLICIT PAYMENTS AGREEMENT BE PART OF A BINDING
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CODE OF CONDUCT, RATHER THAN A SEPARATE TREATY. WE
UNDERSTAND THIS POLICY WAS ESTABLISHED BY PEREZ GUERRERO
OF GOV, AND EMBASSY'S ATTEMPTS TO CONVINCE HIM TO RECON-
SIDER HAVE BEEN UNSUCCESSFUL.

3. GIVEN PRESIDENT PEREZ' SUBSTANTIAL INTEREST IN
BOEING MATTER, AND IF EMBASSY AGREES, WE BELIEVE AMBASSADOR

COULD PERSONALLY INFORM HIM OF USG'S ACCEPTANCE OF
BILATERAL ON TERMS DESIRED BY GOV AND AT SAME TIME

- -

ASK THAT HE RECONSIDER GOV POSITION ON MULTILATERAL
TREATY. IN DOING SO, YOU MIGHT SUGGEST THAT GOV CAN
STRENGTHEN ITS STRONG STAND AGAINST ILLICIT PAYMENTS BY
SUPPORTING AN AGREEMENT ON THIS SUBJECT. YOU CAN ALSO
EMPHASIZE THAT US IS STICKING TO ITS ASSURANCE THAT
THIS EXERCISE WILL NOT INTERFERE WITH WORK ON CODE OF
CONDUCT.

4. REGARDING GOV CONCERN OVER EXTRATERRITORIALITY
(REF. C), USG FAVORS TREATY UNDER WHICH HOME COUNTRIES
WOULD PUNISH ONLY ACTS PERFORMED WITHIN THEIR TERRITORIES
IN FURTHERANCE OF BRIBES OF FOREIGN OFFICIALS. WE
BELIEVE THIS WILL FULFILL RESPONSIBILITY OF COUNTRIES
TO PREVENT THE USE OF THEIR TERRITORIES FOR THE BRIBERY
OF FOREIGN OFFICIALS, WHILE AT THE SAME TIME AVOIDING
AN UNREALISTIC ATTEMPT TO CONTROL ILLICIT PAYMENTS WHICH
HAVE NO CONNECTION WITH THEIR TERRITORIES.

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Message Attributes

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